

ENTERED

December 06, 2021

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

TIMOTHY LINN	§ CIVIL ACTION NO.
JOHNSON,	§ 4:21-cv-03013
(TDCJ-CID #2015500)	§
Plaintiff,	§
	§
	§
vs.	§ JUDGE CHARLES ESKRIDGE
	§
	§
BOBBY LUMPKIN, <i>et al</i> ,	§
Defendants.	§

MEMORANDUM ON DISMISSAL

Timothy Linn Johnson is an inmate of the Texas Department of Criminal Justice—Correctional Institutions Division. He proceeds here *pro se*.

The Clerk entered a notice of deficient pleading on October 7, 2021. Dkt 3. That notice instructed Johnson to pay the \$402 filing fee or file an application to proceed *in forma pauperis* with certified inmate account information within thirty days. He was advised that his complaint was otherwise subject to dismissal without prejudice for want of prosecution. He hasn't complied.

Under the inherent powers necessarily vested in a district court to manage its own affairs, this action is dismissed for want of prosecution. See FRCP 41(b); *Link v Wabash Railroad Co*, 370 US 626, 630–31 (1962); *Clofer v Perego*, 106 F3d 678, 679 (5th Cir 1997); James W. Moore, et al, 8 *Moore's Federal Practice* § 41.51(3)(b) & (e) (Matthew Bender 3d ed 2017).


The Court will grant relief upon a proper showing under Rule 60(b) of the Federal Rules of Civil Procedure. See *Link*, 370 US at 635.

The civil action filed by Plaintiff Timothy Linn Johnson is DISMISSED WITHOUT PREJUDICE for want of prosecution. Dkt 1.

Any other pending motions are DENIED AS MOOT.

SO ORDERED.

Signed on December 6, 2021, at Houston, Texas.

A handwritten signature in black ink, reading "Ch R Eskridge II". The signature is written in a cursive, stylized font. The "Ch" is written as a single unit, followed by "R", then "Eskridge", and finally "II" at the end.

Hon. Charles Eskridge
United States District Judge